

PUBLIC MEETING
March 14, 2006

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Tinsley were present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Lindsay Morgan, Greg McNally, Jason Mohr, Grant Stratton, Leonard "BUB" Ennis, Jerry and Kathy Tavegia, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Items. Ron Alles reported on the consent items.

- a. Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. \$1,383.73 paid to Alan R. & Shizuko H. Davis. (Cheryl Green)
- b. Resolution Declaring County Property Surplus Property Less Than \$2,500.
- c. MDT County Resolution, Marysville Road: (Eric Griffin)
 - i. STPHS 25(53), 2003 – Guardrail – Marysville Rd.
 - ii. STPHS 25(36), 2000 – Slope FLTN/Guardrail – Lewis & Clark County

Commissioner Murray requested consent items 'a' and 'b' be pulled for discussion. He moved for approval of item 'c' and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Consent Item a. Commissioner Murray noted for the record the Montana Department of Revenue looked at the vacant piece of land and assessed the property--not county staff.

Consent Item b. Surplus item No. 47. Commissioner Murray mentioned replacing the Flat Creek Bridge in Augusta was a major undertaking where County Bridge and Road staff took on this project and they need to be congratulated.

Hearing no other discussion, Commissioner Murray moved for approval of consent items 'a' and 'b' and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Request for Zoning Variance. (Applicant, Larry & Jamie Kuntz) (Planner, Lindsay Morgan) (cont. from Planning and Zoning Commission meeting 3/1/06). The applicants request a variance from the setback requirements of Special Zoning District #28. The site lies in the SW1/4 of Section 32, T11N, R3W, and more described as the E70' of Lot 16 and the W70' of Lot 22 in Block 1 of the Vandenberg Village Subdivision.

Lindsay Morgan reported that the applicant has met two of the eight criteria and recommended denial of the request. The Planning and Zoning Commission unanimously recommended approval to the Commission of the variance request.

Commissioner Murray stated the applicant's septic system does not appear to be registered in the County Environmental Health Department and directed staff to work with the applicant to make that correction.

Commissioner Murray moved that the record established by the Planning and Zoning Commission be incorporated as part of the Board of County Commissioners record. Commissioner Tinsley seconded the motion and it carried unanimously.

Commissioner Varone moved for approval of the zoning variance request pending installer information as recommended by the Planning and Zoning Board. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as Silver Acres Subdivision. (Applicant, V.L. "Pat" Jones) (Planner, Lindsay Morgan) (cont. from 3/7/09). The applicant proposes to create two lots, each for one single-family dwelling. Both lots already exist however; these lots were created through an agricultural exemption. Tract 3-A-1 (2.04 acres) is currently developed with a single-family residence and outbuildings, and is served by an individual well, an individual on-site wastewater treatment system, and utilities. Tract 5-A-2 (20.00 acres) has agricultural covenant placed on it. The proposed development is generally located south of Lincoln Road, east of and adjacent to Birdseye Road.

Variance 1. Silver Acres Road lacks an emergency vehicle turnaround. Commissioner Tinsley moved for denial of the variance because he does not believe the applicant has met the criteria for the variance request. Commissioner Murray seconded the motion based citing a similar decision of a three home development off Birdseye Road. Commissioner Varone voted against denial because of the short distance for emergency vehicles to travel. The motion to deny the request carried 2-1.

Variance 2. Silver Acres Road does not meet county standards. Commissioner Murray moved for denial of the variance request. Commissioner Tinsley seconded the motion. By denying the variance, it will establish the easement right-of-way for any future development in that area. The motion carried unanimously.

Commissioner Tinsley moved approval of the preliminary plat subject to 17 conditions as recommended by staff and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Request for a Modification of Conditions of Approval For The Amended Plat of Lot 17-Seaver Park Addition. (Applicant, Grant Stratton) (Planner, Lindsay Morgan). The applicant requests a modification of Condition No. 6 requiring the reconstruction of Beck Street, which is currently chip-sealed, to the County Standard. The proposed subdivision is generally located west of and adjacent to Beck Street. The applicant was present and indicated his willingness to proceed.

Lindsay Morgan presented the staff report. The applicant's engineer and the County Road Department felt it would be better to make improvements to the chip-sealed road rather than have the applicant reconstruct Beck Street to a gravel standard. The applicant has requested to allow Beck Street to remain chip-sealed and make improvements to the existing chip-seal by filling in potholes and uncovering the 24-foot width of Beck Street. The neighboring property owners want Beck Street to remain a chip-sealed road.

Staff recommended approval of the request subject to the following condition: "The applicant shall improve Beck Street from the intersection of Winslow Avenue to the terminus of the required approach onto the property. Prior to the construction the plans for Beck Street shall be submitted to the County Public Works Department for review and approval. These improvements shall included filling in the existing potholes and uncovering the true 24' width of Beck Street. The road improvements will have to be certified as meeting the approved Road Standards by an engineer registered in the State of Montana with concurrence by the County Public Works Department."

Grant Stratton, 3434 Beck Street. He and his engineer agreed to chip-seal the road rather than the gravel standard.

Hearing no public comments, the public hearing is closed. Commissioner Tinsley moved approval of the modification of Condition No. 6 as recommended by staff and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Overlook Acres.
(Applicant, Hamlin Construction and Development Co., Inc.) (Planner, Greg McNally)
(Tabled from 2/21/06.) The applicant proposes to create 3 lots, each for one single-family dwelling. The proposed subdivision is generally located ½ mile north of Prairie Road at the end of Mary Drive.

Greg McNally reported the applicant submitted a variance request from the requirement to improve Erickson Road from Mary Road, and also requested an extension of the statutory review period until March 17. The applicant suggested in lieu of improving the road to a gravel standard, he would be willing to improve the existing chip-seal surface by removing the current surface and then reapply the new chip-seal surface.

Leonard Ennis, 3952 Fond Meadow Drive, requested a variance to do a blade patch in lieu of bringing the road up to county gravel standards.

Jerry Tavegia recalled the history of this subdivision. The subdivision was created in 1977 and the original covenants stated this road was to include a bituminous paved street. The road has only been chip sealed every few years.

Commissioner Murray stated due to cutbacks in the county budget and funding structures, the county no longer provides maintenance and now asks people to form

maintenance districts. A licensed engineer is required to inspect the road.

Hearing no other comments, Commissioner Tinsley moved to table a final decision until Thursday, March 16 at 10 a.m. to give County Road staff an opportunity to look at the road and also keep the public meeting process opened. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Felska #1 Minor Subdivision. (Applicant, Dan Felska) (Planner, Greg McNally) (cont. from 3/7/06). The applicant proposes to create five lots each for one single-family dwelling. The proposed subdivision is generally located south of Valley View Road and west of Bartmess Drive. The Commissioners will consider extending the review period to 4/14/06.

Greg McNally reported that the applicant submitted a request to extend the review period to April 14 and conduct the public hearing April 11 at 9 a.m.

Commissioner Murray moved to accept the applicant's request to move the statutory deadline date to April 14 and conduct the hearing on April 11. Commissioner Tinsley seconded the motion and it carried unanimously.

Public comments on matters not mentioned above. None.

There was no other business and the meeting adjourned at 9:48 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Anita L. Varone, Chair

Michael A. Murray, Vice-Chair

Ed Tinsley, Member

ATTEST:

Paulette DeHart, Clerk of the Board